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BY: John G. Flato
Date: 7/13/2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 16 2001

In re the application of:

LUTTICKEN ET AL.

Serial Number: 09/084,837

Group Art Unit: 1648

Filed: May 26, 1998

Examiner: M. Mosher

For: RECOMBINANT BIRNAVIRUS VACCINE

GROUP 1600

RESPONSE AFTER FINALAssistant Commissioner of Patents
Washington, D.C. 20231

July 13, 2001

Sir:

In reply to the Office Action of March 13, 2001, please consider the remarks that follow.

Submitted herewith is a Petition and Fee to extend the date for responding by one month to July 13, 2001.

REMARKS

In the Office Action of March 13, 2001, the Examiner maintained the rejection of claims 32-39 under 35 USC 103(a) for obviousness over the lost interference count taken in view of any or all of Lewin, Culver et al., Roizman, DeWind et al. and Keeler. The Examiner acknowledged Applicants' argument that the prior art does not provide motivation to introduce more than one mutation into the VP5 gene, since the Mundt reference taught that a single mutation was sufficient to obtain attenuation and there was no suggestion that reversion was a problem. The Examiner agreed that neither the count nor the Mundt reference specifies a